Coastal Barrier Resources Act (CBRA) Consultations Flow Chart

Federal Financial Assistance

(see definition in 16 U.S.C. 3502(3))

No CBRA Consultation needed

YES

NO

Does this project/activity affect the Coastal Barrier Resources System (CBRS)?

(see mapper)

Unit Type = System Unit

Most new Federal expenditures and financial assistance, including Federal flood insurance, are prohibited within System Units.

16 U.S.C. 3505(a)(6)(A): Any use or facility necessary for the exploration, extraction, or transportation of energy resources which can be carried out only on, in, or adjacent to a coastal water area because the use or facility requires access to the coastal water body.


16 U.S.C. 3505(a)(6)(D): Scientific research, including aeronautical, atmospheric, space, geologic, marine, fish and wildlife, and other research, development, and applications.

16 U.S.C. 3505(a)(6)(E): Assistance for emergency actions essential to the saving of lives and the protection of property and the public health and safety, if such actions are performed pursuant to sections 5170a, 5170b, and 5192 of title 42 and are limited to actions that are necessary to alleviate the emergency. This exception applies only to Presidentially declared emergencies and/or major disasters and should not be used as a justification for any projects that exceed the scope and needs of the true and immediate emergency (Senate Report 97-419, 8 (1982)).

16 U.S.C. 3505(a)(6)(F): Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.

16 U.S.C. 3505(a)(6)(G): A project to prevent the erosion of, or to otherwise stabilize, any inlet, shoreline, or inshore area on CBRS units numbered 501 through 508 and LA-07 for purposes other than encouraging development; and in all units, in cases where an emergency threatens life, land, and property immediately adjacent to that unit.

Does designation end in “P”?

Unit Type = OPA

Otherwise Protected Areas (OPAs): The only Federal spending prohibition within OPAs is the prohibition on Federal flood insurance.

16 U.S.C. 3505(a)(5): The construction, operation, maintenance, and rehabilitation of Coast Guard facilities and access thereto.

Unit Type = Full System Unit

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Funding activity is NOT allowable under CBRA

Funding activity may be allowable under an exception but requires consultation

Is Federal funding for the project used for any of the following actions?

Is funding the activity within the CBRS consistent with the purposes of CBRA?

1. Minimize the loss of human life.
2. Minimize wasteful expenditure of federal revenues.
3. Minimize damage to fish, wildlife, and other natural resources.

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For additional information please see the CBRS website: https://www.fws.gov/cbra

Disclaimer: This flow chart is a tool designed by the U.S. Fish and Wildlife Service to aid other Federal agencies in complying with the provisions of the CBRA (16 U.S.C. 3501 et seq.). For additional information on the CBRA consultation process, visit: https://www.fws.gov/cbra/Consultations.html. The responsibility for complying with the CBRA and the final decision regarding the expenditure of funds for a particular action or project rests with the Federal funding agency.

NO

YES

For additional information please see the CBRS website: https://www.fws.gov/cbra/Consultations.html.

Reference: Federal Flood Insurance and CBRA


Reference: https://www.fws.gov/cbra/Consultations.html

South Padre Island Unit T11 in Willacy and Cameron Counties, Texas

There is a special provision in CBRA for federal expenditures and financial assistance outside of the CBRS that relate to Unit T11. Please refer to 16 U.S.C. 3505(d) for projects in this area.

Please complete the Template for Inter-agency CBRA Consultations and provide to the USFWS.